

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
 ATTN: Dan Lindheim
 FROM: *Mayor's Task Force on Police Issues*
 DATE: April 28, 2009: Public Safety Committee
 RE: **REQUEST FOR THE CITY COUNCIL TO ALLOCATE \$1.2 MILLION IN THE 2009-2011 BUDGET TO HIRE TEN CPRB STAFF PERSONS TO RECEIVE CITIZENS' COMPLAINTS AGAINST OAKLAND POLICE OFFICERS AND RE-DEPLOY TEN IAD OFFICERS TO OTHER POSITIONS WITHIN OPD.**

SUMMARY

The City of Oakland has a duplicative process whereby citizens can file complaints against Oakland police officers. This is wasteful and redundant. At a time when key positions in the criminal investigative division are vacant and more patrol officers are needed on the streets, the City cannot afford to waste valuable resources.

The Mayor's Task Force on Police Issues unanimously agrees that a minimum of ten sworn Oakland police officers who are currently assigned to the Internal Affairs Division (IAD) should be re-deployed to patrol and/or the Criminal Investigation Division (CID). IAD should be closed to citizens who wish to file complaints. Instead, ten intake personnel should be hired to staff the Citizens' Police Review Board (CPRB) and residents should be directed to the CPRB to file their complaints.

The benefits to this proposal are several:

- **Cost effectiveness:** the duplication of service is eliminated, and civilian intake officers' salaries are considerably less than those of sworn officers who also receive overtime pay;
- **Vacant OPD positions filled with experienced officers:** According to the Harnett Associates audit, commissioned by former Mayor Jerry Brown, the Criminal Investigation Division is severely understaffed. If the City had to hire ten, experienced officers to fill those positions, it would cost significantly more than it will cost to transfer IAD officers to those positions and hire ten civilian CPRB intake personnel;
- **User-friendly process:** Citizens will not have to choose where to file a complaint and understand the complexities of each process. It will be easier to educate the public about how to file a complaint;
- **More credible oversight:** Most people agree that there tends to be bias when personnel in an agency investigate complaints against co-workers. Many in the community would have more confidence in the objectivity and credibility of investigations of their complaints against police if they knew that their complaints were going to be received and reviewed by fellow citizens, rather than sworn officers.

Item: _____
 City Council/ORA (or Committee)
 Date of Report

- **Improved reporting:** Internal Affairs currently receives about 800 citizen complaints per year, compared to an average of 80 that are filed with the CPRB. If the CPRB received all of the complaints, they would have ten times the amount of data upon which to base their semi-annual and annual reports. This increase would permit a more thorough system of accountability and oversight resulting from richer data. Recommendations from the CPRB to the Police Department for policy reform, changes in training and supervision would be better founded with the increased data obtained from a much larger body of allegations.

FISCAL IMPACT

It is not within the ability of the Task Force to provide a detailed financial analysis, based on our lack of access to this information. Nonetheless, based on what we have learned, it appears that

1. Start up costs to hire 10 CPRB intake officers will amount to approximately \$1.2 million.
2. This amount will be offset by the acquisition in the CID division of 10 experienced OPD sworn officers.
3. If OPD were to hire 10 experienced patrol or CID officers, each hire would cost approximately \$150,000 in recruitment and training expenses, totaling \$1.5 million. Added to that would be their salaries, which would average \$2 million.
4. If OPD's funds were used to hire the 10 CPRB officers for \$1.2 million in exchange for which they received the benefits of what would otherwise cost \$3.5 million, the cost savings to the Department would amount to \$2.3 million.

Within three years, the start up costs will have been offset by the cost savings that result from the disparity between the salaries of IAD sworn officers and CPRB civilian personnel. Thereafter, the civilianization of the intake process will continue to result in increased savings to the taxpayers in each subsequent year of operation.

Given the costs of violent protests incurred by the City of Oakland over the past ten years, and the many millions of dollars spent on the implementation of the Riders' Negotiated Settlement Agreement, a 'front end' minimal investment that increases public confidence in civilian oversight of police offers the promise of a long term decrease in such expenses. When the community feels that there is the ability to redress grievances legitimately and effectively, they are less likely to engage in behaviors that result from cynicism and frustration and lead to violence and destruction.

BACKGROUND

In the Fall of 2006, 41 task forces in 9 areas began work on policy recommendations to be in place by Mayor Dellums' inauguration in January 2007. Members of the Police Issues Task Force proposed that the intake of citizen complaints be shifted to the CPRB in order to free up

Item: _____
City Council/ORA (or Committee)
Date of Report

those officers in order to perform vital public safety assignments in OPD. The Task Force unanimously endorsed the proposal, and was then charged with developing an implementation plan.

Discussions with Chief Wayne Tucker gave way to discussions with a wider group, including Public Safety Director, Lenore Anderson, and Task Force members Rashidah Grinage, Mary Vail and Eric Sisneros began to meet and begin a round of consultations which included OCC Director Joyce Hicks (formerly the CPRB Director) and Victoria Urbi, the Director of Berkeley's PRC (formerly a CPRB investigator).

The goal of the working group was to establish a cost-efficient, effective, credible, independent and accessible civilian oversight of police. Subsequently, the working group expanded to include Sean Quinlan and Patrick Caceres, from the Citizens' Police Review Board (CPRB), as well as a succession of City Hall staffers, including Leslie Littleton from the Mayor's office, Interim Public Safety Coordinator, Arnold Perkins as well as current Public Safety Coordinator, Doralista Reed. OPD staff rotating in and out included then Deputy Chief Loman, Lieutenants Ed Poulson, Chris Shannon and Sean Whent of Internal Affairs and Sergeant Michael Poirier, Chief of Staff. D.C. Jeff Israel was also brought into the conversation and OPOA officials have been consulted, as well.

Ongoing conversations, historical information and support has been given by City Attorney, John Russo, Negotiated Settlement Agreement Independent Monitoring Team as well as the Plaintiffs' Attorneys, John Burriss and Jim Chanin.

After unfortunate occurrences including new information on the Chauncey Bailey and Oscar Grant killings, members of the working group began meeting individually with all City Council members, except President of the Council Brunner. Support for this resolution has been widespread amongst all Council members, as well as other community groups and individuals with whom we have discussed this proposal.

KEY ISSUES AND IMPACTS

There are three distinct deficiencies inherent in the present structure of police oversight that are addressed by this resolution:

Duplicative and wasteful services:

The City of Oakland provides two venues for citizens to file complaints about police officers. Most residents are not aware that they actually have a choice of where to file complaints. As a result, the Internal Affairs Division of the Oakland Police Department receives approximately 10 times the number of complaints than does the Citizens' Police Review Board. This disparity

Item: _____
City Council/ORA (or Committee)
Date of Report

continues to result in the grossly disparate funding that each agency receives from the City of Oakland. At the same time, the cost to the taxpayer of paying ten IAD officers is approximately twice the cost of the ten CPRB personnel that intake complaints from residents.

Underreporting allegations of misconduct:

Based on the Survey of Oakland residents undertaken by the City of Oakland and PUEBLO in 2005, only one in ten residents who reported that they were not satisfied with their experience with police officers filed a complaint with the City of Oakland. The most often cited reason for their decision not to file a complaint centered on their belief that filing a complaint would not amount to anything: that no good would come from it. There is a widespread belief that IAD does not conduct thorough and fair investigations of their fellow police officers who are accused of misconduct. As a result, the vast majority of presumed allegations are not reported, denying the City an effective means of determining the extent of possible misconduct and the ability to take corrective action.

Risk Management:

Providing a venue that would allow residents to report allegations of misconduct to civilians rather than sworn officers would increase the public's confidence that their complaints will receive fair, unbiased and thorough investigations. Greater use of the civilian oversight agency would provide a more accurate representation of the conduct of Oakland police officers and the ability to take pro-active steps that would facilitate more effective risk management.

Inefficient Use of City Personnel:

Many cities are increasing civilianization of jobs that are currently staffed by sworn officers. By hiring civilians to perform administrative and clerical functions, sworn officers can be re-assigned to perform duties that contribute to public safety: specifically, patrol and criminal investigations functions. A recent audit performed by Harnett Associates in December, 2006 confirmed that key positions in the Criminal Investigative Division (CID) in Oakland remain vacant, resulting in the inability of the current personnel in those divisions to conduct efficient, thorough and timely investigations that result in closing cases that result in successful prosecutions.

Re-deploying ten IAD intake officers to fill these vacant positions would result in a savings of approximately \$2 million that would otherwise be needed to hire new officers to staff these positions. Hiring ten civilians to replace these IAD intake officers will require only \$1.2 million, saving the City approximately \$800,000.

PROGRAM OR PROJECT OR POLICY DESCRIPTION (WHICHEVER APPLIES)(do we need this section?)

Item: _____
City Council/ORA (or Committee)
Date of Report

This proposal will streamline the system of police accountability, saving resources, improving public safety and risk management. It will improve public confidence in the investigations of police misconduct and help to minimize the antagonism between certain constituents in our community – specifically, people of color and young people – and provide an appropriate venue for residents to express grievances, lessening the likelihood of violent protests.

If this resolution is adopted, implementation will begin in August, 2009 with the development of a job description for the new CPRB intake staff. Subsequently, the positions will be advertised and applicants will be screened. New hires should be in place by the end of 2009, at which point they will be trained to conform to the standards established by the NSA. It is hoped that the City Oakland will be able to re-deploy IAD officers in January of 2010, and direct residents to file administrative complaints against Oakland police officers to the CPRB at that time.

The CPRB will need expanded space on the 11th floor, where they are currently housed.

It is contemplated that an initiative will be crafted to appear on the June 2010 ballot which will establish a Police Commission, hire sufficient CPRB investigators to handle all of the complaints filed by residents and move the CPRB to a ground-level location. The Task Force will reach out to a diverse representation of community members, organizations, and experts in law enforcement, civilian oversight, as well as members of the Oakland City Council and the Administration, as well as other municipalities to solicit input into the model that will be proposed to the voters for consideration.

SUSTAINABLE OPPORTUNITIES

The short term benefits that will result from this resolution are:

1. Cost savings: Each civilian intake officer will be hired at about 50% of the salary that his/her comparable IAD officer receives. Within three years, implementation of this program becomes cost-neutral. Subsequently, there will be increased cost savings each year.
2. CID vacancies filled: The increased staffing of CID will result in a percentage of cases that are closed and that result in successful prosecution due to improvements in evidence collections, interviewing and follow up. With more effective investigations of crimes, criminals may not be as brazen as they contemplate a greater chance of being apprehended and convicted.
3. More effective oversight: Improved public confidence in the investigative process will cause more people who have complaints about their interaction with police officers to file complaints with the City. This will permit City officials to have a more accurate basis upon which to monitor police officers, track trends and take appropriate remedial actions in order to reduce financial exposure to the City.

Item: _____
City Council/ORA (or Committee)
Date of Report

The long term benefits that will result from this resolution are:

1. Improved public confidence in police oversight: A more credible and independent process leads to greater confidence in police accountability. Although citizens appreciate the professional service that most officers provide, they want to feel assured that, when misconduct occurs, fair, objective investigations will lead to appropriate disciplinary action taken by the City.
2. Enhanced community policing: A more diverse representation of Oakland residents is likely to work cooperatively in partnership with Oakland police officers if they have trust that instances of misconduct will be dealt with appropriately by the City of Oakland.
3. Improved police-community relations: Tensions between certain elements of Oakland's population will be ameliorated to some extent if these constituents believe that officers who engage in misconduct are subject to the consequences of their actions, just as residents who break the law must be held responsible for their actions. Resentment and anger often directed to police officers by racial minorities is often based on the perception that officers can behave badly and get away with it, even when they break the law. It is no accident that the vast majority of complaints filed against police officers comes from the African-American community.

Toward the end of promoting greater public confidence in the civilian oversight the Oakland Police Department, the Task Force envisions placing an initiative on the June 2010 ballot that would create a Police Commission, move the CPRB to a more accessible, ground-level location, and ensure appropriate staffing of the CPRB such that the CPRB could thoroughly investigate 100% of the complaints it receives in a timely fashion.

DISABILITY AND SENIOR CITIZEN ACCESS

N/A

RECOMMENDATION(S) AND RATIONALE

This resolution seeks to address problems in the current model of police oversight as described below. Adopting the resolution will remedy these problems, whereas failing to adopt it will result in the negative impacts described being perpetuated.

Duplicative and wasteful services:

It makes no sense to provide two different agencies both of which accept citizen complaints against police officers. It is confusing to residents who don't know where to go, what the differences are between the two agencies, and many are not even made aware that they have a

Item: _____
City Council/ORA (or Committee)
Date of Report

choice of agencies until after they have filed with IAD. Having sworn officers who are paid twice what civilians are paid to do administrative work is not sound management. Having only one agency accept citizen complaints against police will be cost effective and provide a more user-friendly process to the residents of Oakland.

Underreporting allegations of misconduct:

There can be no doubt that while most of Oakland's residents trust and respect Oakland police officers, a significant number of young people and residents of color do not. These are the same residents whose experiences with police tend to be negative, while more affluent, Caucasian residents' experiences tend to be more positive (Based on the 2005 Survey of Oakland Residents). If only one in ten residents who were unhappy with their experiences with police officers report their dissatisfaction, the City lacks vital data that is needed to inform policy initiatives. Unless a more credible process of investigation is provided to these constituents, they are not likely to come forward with complaints, and much of what is going wrong on the streets of Oakland will remain unknown to public officials.

Risk Management:

As a result of police involved shootings, the City of Oakland spends millions of dollars on settlements, legal fees and security details for protests that erupt as a consequence of these events. Although the Riders class action law suit is an aberration, in terms of the number of plaintiffs and the resulting NSA, the costs have been monumental. Better oversight of rogue officers and appropriate intervention is needed to prevent future losses. Especially in times of budget reductions, wasting millions on these settlements and ancillary fees must be avoided to the extent possible.

Inefficient Use of City Personnel:

Re-deploying ten IAD intake officers to fill these vacant positions would result in a savings of approximately \$2 million that would otherwise be needed to hire new officers to staff these positions. Hiring ten civilians to replace these IAD intake officers will require only \$1.2 million, saving the City approximately \$800,000.

Failing to pass this resolution will mean that the City of Oakland will continue to pay about twice as much to receive citizen complaints as it could pay by civilianizing these positions. It will also mean that no current OPD officers will be available to be transferred to the CID division, leaving that division significantly under-staffed.

ACTION REQUESTED OF THE CITY COUNCIL

The Mayor's Task Force on Police Issues recommends that the City Council approve the resolution to:

1. Authorize the allocation of \$1.2 million in the 2009-2011 to hire ten civilian CPRB intake staff persons to receive citizen complaints against Oakland police officers, and to

Item: _____
City Council/ORA (or Committee)
Date of Report

2. Direct the Interim Police Chief to re-deploy ten IAD officers to other functions within OPD.

Respectfully submitted,

[Agency Director's Signature]
NAME OF AGENCY DIRECTOR
Title and Name of Agency

(If applicable)
Reviewed by:
Name of Reviewer, Title

Prepared by:
Name of Preparer, Title
Name of Preparer's Unit [within Agency]

APPROVED AND FORWARDED TO THE
CITY COUNCIL [or _____ COMMITTEE]:

[City Administrator's Signature]
Office of the City Administrator

NOTE: At a minimum, the "ACTION REQUESTED" section must appear on the same page as the Department/Agency Director and City Administrator signatures.

Lenore, chief, russo, IAD, NSA monitors IMT ind. Monitor team

Focus group, oli, interaction with police activites, Measure Y oversite committee.

Item: _____
City Council/ORA (or Committee)
Date of Report